

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Harold Jerry Garmany,	:	
	:	
Petitioner	:	Civil Action 2:04-cv-948
	:	
v.	:	Judge Marbley
	:	
Warden, Ross Correctional Institution	:	Magistrate Judge Abel
and Harley C. Lappen, Director, Bureau	:	
of Prisons,	:	
	:	
Respondents	:	

ORDER

This matter is before the Court on Magistrate Judge Timothy S. Hogan's September 17, 2004 Report and Recommendation (doc. 7) that petitioner Garmany's September 7, 2004 motion to proceed *in forma pauperis* (doc. 5) be denied as moot because petitioner had paid the Court's \$5 filing fee.

No objections have been filed to the Report and Recommendation. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. Petitioner Garmany's September 7, 2004 motion to proceed *in forma pauperis* (doc. 5) is DENIED as moot.

s/Algenon L. Marbley
Algenon L. Marbley, Judge
United States District Court